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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,665	03/02/2006	Thomas Ringel	095309.56394US	7309
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CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER LABBEES, EDNY	
			ART UNIT	PAPER NUMBER
			2612	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/538,665

Applicant(s)

RINGEL ET AL.

Examiner

Edny Labbees

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 recites the limitation "in addition to a chassis number" in line 2. There is insufficient antecedent basis for this limitation in the claim. "...in addition..." would indicate it was mentioned previous claims. However, Chassis number was not disclosed in claims it depends upon. Appropriate correction required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 10, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Whipp et al. (US 2002/0022979).

Regarding Claim 10, Whipp discloses *System And Method For The Automated Release Of A Release Of A Vehicle To One Of A Plurality Of Different Users* that has the following claimed limitations:

Claimed providing a mobile radio link between a telematics controller in the motor vehicle and an external telematics center is met by the centralized data management

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system (14) in contact with vehicle via communication network (See paras [0051]).

Installed in the vehicle (12) is a local computer (24) (See paras [0053]); claimed providing the telematics center with first data from a first database which first data identifies the motor vehicle is met by the system of Whipp where the vehicles (12) at a parking facility (15) may utilize signals from the earth orbiting satellites of the global positional system 64 (GPS) to report its location to the data system (14) (See Paras [0051]). In addition, data management system (14) handles a number of conventional data processing center functions. Data management system (14) is provided for vehicles (12), locations, (15) and equipment and inventory information. Records within the database files for each vehicle (12) include fields relating to vehicle model and color, vehicle identification numbers (VIN), vehicle group, maintenance history, vehicle equipment, assigned location and other pertinent information (See paras [0074]); claimed providing the telematics center with second data from a second database, which second data identifies the mobile radio link and the telematics center using the first and second data to produce the authorization automatically is met by the system of Whipp where local computer (24) supports entry of data by the user (e.g., user name, driver's license number, credit card number, and any selection be to chose by the user ) are identified to the user by the interface (38) (see paras [0056]). Once all entry and agreement displays are completed, credit card billing information is entered and the system enters authorization mode (80) (see paras [0060]). Authorization is conventionally, and automatically, handled over the telephone network (68) or via Internet connections with a credit card clearance center (70) (see paras [0052]).

Regarding Claim 12, Whipp discloses all of the claimed limitations: claimed at least one telephone number of the telematics center (30) is stored in the telematics controller (2) is met by the system of Whipp where communication is established between the vehicle (12) and automated, centralized data management system (14). Communication is by a secure data link. Such data links may be established using a mix of wireless telephone, broadband, cellular, satellite and other technology (see paras [0050]).

Regarding Claim 15, Whipp discloses a system where the data management system (14) handles a number of conventional data processing center functions. Data management system (14) supports one or more system status displays that are configurable depending upon the size of the system. Database services (96) are provided to support these displays. Database files, managed from the data management system (14) are provided for vehicles (12), locations (15), and equipment and inventory information. Records within the database files for each vehicle (12) includes fields relating to vehicle module and color, vehicle identification number (VIN), vehicle group, maintenance history, vehicle equipment...etc...and various statistics (see paras [0074]).

4. Claims 11, 13, 14, 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whipp et al. and further in view of Müller (US 7,003,320).

Regarding Claim 13, Whipp discloses a system where the interface (38) comprises a touch screen. A simulated keyboard may be generated as part of the

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interactive display to ease entry of the requested information (see paras [0060]), but does not disclose a system where the telematics controller has a subscriber card for the mobile radio link. However, it is well known in the art that SIM-card is used to prevent unallowed use of a mobile phone or a telematics unit by an unauthorized person. 'Müller discloses *Method For Controlling A User Terminal Of A Communications Network* that teaches a system comprising a telematic unit (10) that includes a mobile equipment (11) as a communication unit and a SIM-card (12) as a subscriber identification means. The mobile equipment (11) comprises a central control unit (13) including processing means and memory means as necessary for communication via a telecommunications network and for processing positioning information received from a positioning system and for dealing with data input by a user. Further, the control unit (13) is provided with connecting means (19) intended to cooperate with respective connecting means (20) of a SIM-card (12) for building up a connection between the control unit (13) and processing means (21) provided on the SIM-card (12) (See Col. 4 lns 21-67).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Müller into the system of Whipp to prevent unallowed use of a mobile phone or a telematic unit by an unauthorized person.

Regarding Claim 14, Müller does not specifically state a GSM network. Muller teaches a telematic unit (10) that includes a mobile equipment (11) as a communication unit and a SIM-card (12). It is well know in the art that SIM cards are used to identify a GSM subscriber and while Müller does not specifically state GSM, it is inherently included in the telematic unit (10) of Müller.

Regarding Claim 16, the claim is interpreted and rejected as claims 10 and 13 stated above. In addition, Whipp discloses a system where the data management system (14) includes inquiry engine (94) for accessing database services (96) to generate displays for selected data. Inquiry engine (94) allows the collection of data relating to vehicle status including location and state. Rental transaction including date, time, fuel, mileage, vehicle ID, renter and *authorization* data may be obtained (See paras [0075]).

Regarding Claim 17, the combination of Whipp and Müller discloses all of the claimed limitations. Müller discloses a system where a SIM-card (12) where the SIM-card (12) includes a control (13), processing means (21) and memory means (23). The memory means (23) is used for storing data necessary to identify the telematics unit (10) as a specific telematics unit used by an registered subscriber. In addition, it is sued to store safety codes like first and second identification numbers, elementary files like a personal phone book, and other information. In addition, alpha identifier, i.e. alpha numeric identifiers like names A1 and corresponding dialing numbers of several value-added services like emergency service, car tracking, breakdown service, traffic information service, car route guidance service, sightseeing information service, position related event service, position related general information service and the like can be stored in specific files or portions in the memory means (23) on the SIM-card (12) (see Col. 4 Ins 42-67).

Regarding Claim 18, Müller discloses a system after the user inserts the SIM-card (12) into the device of the mobile equipment so that the processing means (21)

and the control unit (13) are interconnected; the complete telematic unit (10) is switched on. Thereafter, the user is first prompted to input the first personal identification number to identify him/herself as authorized user. Thereafter, the telematics unit is activated so it can be utilized (see Col. 5 lns 1-14). Although the system of Müller does not specifically state the access codes is permanently stored in the telematics controller, it would have been obvious to one of ordinary skill in the art to readily recognize that access codes can be stored permanently or temporarily and does not add criticality to the invention, so as long it performs its desired functionality to provide access to the system.

Regarding Claim 19, the claim is interpreted and rejected as claim 17 stated above. In addition, Müller discloses a system where all data necessary for individualization of a telematics unit (10) and for making the wanted services available should be stored in the memory means (23) on the SIM-card (12) (See Col. 4 lns 64-67).

Regarding Claim 11, Whipp discloses a system Data management system (14) is provided for vehicles (12), locations, (15) and equipment and inventory information. Records within the database files for each vehicle (12) include fields relating to vehicle model and color, vehicle identification numbers (VIN), vehicle group, maintenance history, vehicle equipment, assigned location and other pertinent information (See paras [0074]). Whipp also discloses a system where the local computer (24) supports entry of data by the user (e.g., user name, driver's license number, credit card number, and any selection be to chose by the user) is identified to the user by the interface (38) (see



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paras [0056]). Once all entry and agreement displays are completed, credit card billing information is entered and the system enters authorization mode (80) (see paras [0060]). Authorization is conventionally, and automatically, handled over the telephone network (68) or via Internet connections with a credit card clearance center (70).

Although the system(s) of Whipp and Muller do not specifically disclose that maintenances of the databases, it would have been obvious to one of ordinary skill in the art to readily recognize that the data management system (14) of Whipp maintenance the pertinent information regarding vehicle identification numbers (VIN), vehicle group, maintenance history, etc...is functionally equivalent to the vehicle manufacturer maintaining the pertinent information. In addition, it would have been obvious to one of ordinary skill in the art to readily recognize that the credit card clearance center (70) of Whipp (or any selection be to chose by the user, such as the SIM card system of Muller) is used to maintained information for entry into the vehicle.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jenkins et al. *System For Monitoring Vehicle Efficiency And...*(US 6,253,129)

Odinak et al. *Modular Telematic Control Unit*, (US 6,766,233)

Bochmann et al. *Telematic Device For A Motor Vehicle*, (US 6,282,491)

Adcox et al. *Vehicle-Status Device And System For Remotely...* (US 6,359,570)

Mavreas, *Remote Monitoring And Control Of Motorized Vehicle*, (US  
2003/0093199)

Hanson et al. *Method And Apparatus For Monitoring Work Vehicles*, (US  
2002/0156558)

White et al. *Data Collection And Manipulation Apparatus And Method*, (US  
6,745,153)

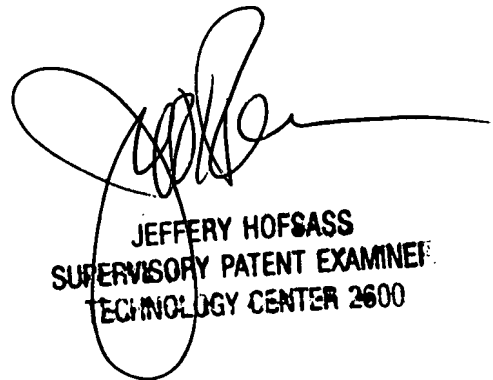
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edny Labbees whose telephone number is (571) 272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edny Labbees  
10/27/2007



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